

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RONALD SCHAEFER,

Plaintiff,

v.

Case No. 06-C-1013

PALMEN MOTORS INC. PROFIT
SHARING 401(k) PLAN & TRUST,
PALMEN MOTORS INC.,
ANDREW PALMEN, and BEN ZIMMERMAN,

Defendants,

SHAWN M. SCHAEFER,

Necessary Party.

ORDER

On May 15, 2008, in accordance with the court's February 12, 2008 scheduling order and Fed. R. Civ. P. 56, the necessary party in this action, Shawn Schaefer ("Ms. Schaefer"), filed a motion for summary judgment. Civil Local Rule 7.1(c) dictates that the plaintiff, Ronald Schaefer ("Mr. Schaefer") was to respond "within 30 days of service of the motion." The certificate of service, filed by Ms. Schaefer in conjunction with her motion, certifies that she mailed the motion on May 15, 2008, by United States Postal Service to: Ronald A. Schaefer / 40450 Yucca Lane / Bermuda Dunes, CA 92203. Fed. R. Civ. P. 5(b)(2)(C) states that service is complete upon mailing, in this instance, on May 15, 2008. Accordingly, Mr. Schaefer's response was to be filed with the court on June 16, 2008. As of the date of this order, the court has not received Mr. Schaefer's response to Ms. Schaefer's motion.

Because Mr. Schaefer is proceeding pro se in this case, the court will grant him until on or before July 2, 2008 to file his response to Ms. Schaefer's summary judgment motion. Mr. Schaefer is further advised that failure to respond to Ms. Schaefer's summary judgment motion could constitute an admission to the material facts of that motion, *see* Fed. R. Civ. P. 56(e), and result in a ruling in favor of Ms. Schaefer.

THEREFORE IT IS ORDERED that Mr. Schaefer shall file his response to Ms. Schaefer's summary judgment motion, in accordance with Fed. R. Civ. P. 56 and Civil L.R. 56.2, on or before July 2, 2008.

SO ORDERED this 18th day of June, 2008, at Milwaukee, Wisconsin.

/s/ William E. Callahan, Jr.
WILLIAM E. CALLAHAN, JR.
United States Magistrate Judge